

**ORDINANCE No. 14-012**

**AN ORDINANCE APPROVING A SPECIFIC USE PERMIT (SUP) #2014-273  
FOR WING DADDY'S SAUCE HOUSE FOR OPERATION OF A  
"RESTAURANT - NOT COMPLETELY ENCLOSED" IN A B-2 (RETAIL)  
ZONING DISTRICT WITHIN THE SUSTAINABILITY OVERLAY.**

**WHEREAS**, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, the Leon Valley Code of Ordinances Chapter 14 constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS**, the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 14 of the Leon Valley Code of Ordinances; and

**WHEREAS**, the Planning and Zoning Commission of the City of Leon Valley has recommended approval of the Specific Use Permit zoning instrument for the designated property and has confirmed that the SUP zoning instrument is uniform and conforms to the plan and design of the City of Leon Valley's Zoning regulations and the City of Leon Valley Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Leon Valley has also held a public hearing regarding the Specific Use application on the affected property and has issued adequate notice to all the affected parties; and

**WHEREAS**, the City Council of the City of Leon Valley believes the Specific Use Permit will not adversely affect the character of the area of the neighborhood in which it is proposed to be used; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Leon Valley;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:**

**SECTION I.**

1. Property being described as Lot 39, Block 2, CB 4429A, Bandera Crossing Subdivision, generally located at 6430 Bandera Road, and more particularly described in case file SUP 2014-273, is hereby approved for operation of a "Restaurant-Not Completely Enclosed," in a B-2 (Retail) zoning district in the Sustainability Overlay (SO) District.
2. That the City's Official Zoning Map is hereby amended to reflect the above approved zoning.
3. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

**SECTION II.**

The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION III**

That this ordinance shall be cumulative of all provisions of the City of Leon Valley, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION IV**

That it is hereby declared to be the intention of the City Council of the City of Leon Valley that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

## SECTION V

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

## SECTION VI


This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 9<sup>th</sup> day of June, 2014.

**APPROVED**

  
**CHRIS RILEY**  
Mayor

Attest:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
**CHARLES E. ZECH**  
City Attorney

